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Factio Metelli in the Opposition to Caius Marius in 104 B.C.*

Factio Metelli w opozycji wobec Gajusza Mariusza w roku 104 przed Chr.

ABSTRACT

In the years 121–109, the representatives of the Caecilii Metelli family reached a dominant position in the Republic, gaining a number of honours. At the same time, this period was the consolidation of the status of the houses of the old aristocracy. Gaius Marius broke the monopoly of *nobiles* by winning consulate in 107 B.C., and three years later he was granted it again *in absentia*.

The attack on the senators associated with *factio Metelli* lasted for 104 years. The plebeian tribunes were the first to be activated, and three of them were against *factio Metelli* or the prerogatives of the Senate. The most important role among them was played by Gnaeus Domitius Ahenobarbus, who carried out a reform that changed the way in which pontiffs were appointed, and transferred this right from the collegium to the people.

Opponents of Marius decided to use the courts in political struggle. A number of trials that took place in the years 106–101 confirm this thesis. A particularly important role was played here by princeps senatus, Marcus Aemilius Scaurus, who after the death of Pontifex Maximus, Lucius Caecilius Metellus Dalmaticus, also became an informal leader of the entire faction.

The key to Marius's weakening in later years was to take control of the strategic issue of the supply of grain to Rome and the provinces where the grain was delivered. Assuming that the primary objective of the house of the Caecilii Metelli in 104 was political survival, they certainly achieved their goal. But Marius, reelected as consul, also strengthened his position. The final decision was to be taken as late as in the year 100, which goes beyond the scope of that article.

Key words: *Caecilii Metelli*, Gaius Marius, Marcus Aemilius Scaurus, social history of Roman Republic

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PRELIMINARY REMARKS

The elected and – at the same time – the best citizens at the head of the state – in Cicero's opinion this comprised the ideal system. Said system was to be based on the elite government, which should be as moderate as possible¹. At the same time, not only admissible, but even advisable was the noble rivalry between all public figures and between the individual houses of the aristocracy. The most outstanding people of their time, with the greatest importance in the Senate and among the people, were called *principes civitatis*².

So much for the theory. In practice, the rules of political life of Roman Republic at the turn of the second and first centuries B.C.³ were based on the competition of powerful and influential families (*gentes*), which accumulated wealth, attracted customers, sought positions for their representatives and sought alliances in blood ties, friendships (*amicitia*) and conjugal connections⁴. The aristocratic houses achieved superiority through the most experienced senators, most often consuls⁵. From the ancient chronicles emerges the image of a fierce, often ruthless struggle for the honour of the family and own reputation (*auctoritas*), prestige (*dignitas*) and glory (*gloria*), which took place in observance of unwritten rules.

Broader coalitions, going beyond the circle of a given family, were most often formed during elections and in cases of internal conflicts or external threats, mainly of a military nature. Due to the intensification of political disputes, for which the Gracchi brothers' activity in 133–121⁶ was a symbolic caesura, there was a natural need to maintain such informal alliances for a longer period of time. As a result, the term *factio*, originally with neutral meaning⁷, entered the political dictionary of the Republic of

¹ Cf. M. Tullius Cicero, *De re publica*, [hereinafter: Cic., *De rep.*] 1.44, 51–53.

² Cf. M. Gelzer, *The Roman Nobility*, transl. R. Seager, Oxford 1969, pp. 44–49.

³ All the dates in the text refer to the times before Christ.

⁴ In the context of the rules governing the political life of the Republic of Rome, cf. in particular F. Münzer, *Römische Adelsparteien und Adelsfamilien*, Stuttgart 1920. Cf. also: R. Syme, *The Roman Revolution*, transl. A. Baziór, Poznań 2009, pp. 10–27; L.R. Taylor, *Party Politics in the Age of Caesar*, Berkeley 1949; M. Gelzer, *op. cit.*, pp. 123–136; R. Seager, *Factio: Some Observations*, 'The Journal of Roman Studies' 1972, 62, pp. 53–58.

⁵ Cf. R. Syme, *op. cit.*, p. 10 and next; E. Flaig, *Zrytualizowana polityka. Znaki, gesty i władza w starożytnym Rzymie*, transl. L. Mrozewicz, A. Pawlicka, Poznań 2013, pp. 27–31.

⁶ For a more detailed synthesis of the activities of the Gracchi brothers, cf. e.g.: H. Heftner, *Von den Gracchen bis Sulla*, Regensburg 2006, pp. 42–84; A. Ziolkowski, *Historia Rzymu*, Poznań 2008, pp. 298–316; K. Bringmann, *Historia Republiki Rzymskiej*, transl. A. Gierlińska, Poznań 2010, pp. 185–210.

⁷ T. Macius Plautus, *Bacchides*, 843; *Cistellaria*, 493; *Rudens*, 1371; M. Porcius Cato Maior, *De agri cultura*, 126P; Cf. J. Korpanty, *Studia nad łacińską terminologią polityczno-*

Rome. It was used on a large scale only during the period of civil wars, already then, however, in a pejorative sense⁸. The earliest (given the chronology of the text, not the events) instance of the above appeared in the unknown author's *Rhetorica ad Herennium*⁹, but it did not gain larger audience until the 50s, in the political writings of the Gaius Sallustius Crispus¹⁰ and Marcus Tullius Cicero¹¹. It was also used by Gaius Julius Caesar, and we find it used once in the work by Aulus Hirtius¹². Titus Livius, who wrote his monumental work under Augustus, used it very rarely until 167¹³. Contemporary science has adopted the term *factio* in order to use it to describe the parties operating in the Republic¹⁴.

On the occasion of the elections for the most important offices, the political struggle in ancient Rome manifested itself most strongly, and it was on this subject that Sallust removed the bitter words that 'the nobles passed the consulate from hand to hand within their own order'¹⁵. This is a strongly exaggerated remark, because in no way could there be any handing over – there were too many competitors in relation to the number of winners¹⁶. This can be seen in the research on the tomb of the distinguished Cornelii Scipiones family. Almost all its representatives, living in the third and second centuries, were buried in one place, and this was the time of the greatest political power of the house, from which

socjalną okresu Republiki Rzymskiej, Wrocław–Warszawa–Kraków–Gdańsk 1976, p. 87, footnote 7–10.

⁸ Cf., Augustus, *Res Gestae Divi Augusti*, 1.1.

⁹ *Rhetorica ad Herennium* [hereinafter: *Rhet. ad Her.*], 1.5.8; 2.26.40.

¹⁰ C. Sallustius Crispus [hereinafter: Sall.], *De coniuratio Catilinae*, 18.4; 32.3; 51.32, 40; 54.6; *Bellum Iugurthinum* [hereinafter: *BI*], 8.1; 15.4; 28.4; 29.2; 31.4, 15; 41.1, 6; 77.1; *Historiae*, 3.48.3M, 8M.

¹¹ Cic., *De rep.*, 1.44, 68, 69; 3.23, 44; *De inventione*, 1.102; *De officiis*, [hereinafter: *De off.*], 1.64; *Brutus, sive de claris oratoribus* [hereinafter: *Brut.*], 164; *Epistulae ad Atticum* [hereinafter: *ad Att.*], 7.9.4; *Epistulae ad familiares*, 8.15.2; *In L. Pisonem oratio* [hereinafter: *In Pis.*], 7; *Actionis in C. Verrem* [hereinafter: *In Verr.*], 4.133.

¹² C. Iulius Caesar, *Belli civilis*, 1.22.5; 3.35.2; *Belli Gallici*, 1.31.3; 5.56.3; 6.12.1, 22.3; A. Hirtius, *Commentarii belli Gallici*, 8.50.2.

¹³ Cf. L.R. Taylor, *op. cit.*, p. 189, footnote 34. The first time the term *factio* appears in *Ab urbe condita*, is on the occasion of the description of the events of 505, cf. Liv., 2.16.4.

¹⁴ Cf. e.g. R. Syme, *Sallust*, Berkeley–Los Angeles 1964, pp. 16–28; E.S. Gruen, *Roman Politics and the Criminal Courts 149–78 BC*, Berkeley 1968, pp. 1–7 *passim*; R. Seager, *op. cit.*, pp. 53–58; J. Korpanty, *op. cit.*, pp. 86–92; P.A. Brunt, *The Fall of the Roman Republic and Related Essays*, Oxford 1988, pp. 443–502; A.W. Lintott, *The Constitution of the Roman Republic*, Oxford 2002, pp. 147–148; S. Śnieżewski, *Salustiusz i historia Rzymu*, Kraków 2003, pp. 173–179.

¹⁵ Sall., *BI*, 63.6: *consulatum nobilitas inter se per manus tradebat* (transl. in the text by J.C. Rolfe).

¹⁶ Cf. E. Flaig, *op. cit.*, pp. 50–54.

the conqueror of Hannibal and Antioch III the Great originated. However, as many as half of the dead buried there are also unknown – we find no trace of them in the record of office holders. The conclusion is that one's aristocratic ancestry alone was not enough to make a career in Rome. We may presume that Sallust meant that in the years 142–108 no politician who could not identify himself with consular ancestors (*homo novus*) was able to obtain consulate position¹⁷. This aristocratic barrier was successfully broken as late as by Gaius Marius in 108, when he successfully applied for the consulate for the next year¹⁸.

However, Marius did not shatter the existing political order at that time. This happened when, in 104, he took over the consulate again, thus breaking, if not the assumptions, then at least the spirit of *lex Villia annalis* of 180¹⁹. The aforementioned act assumed the necessity of the lapse of ten years between holding the consulate and the possibility of applying for a second time. It can be said that Marius challenged the entire Roman political elite in 104. This situation has led to a deep reshuffle in the Senate's balance of power and has given rise to a further stage in the Republic's violent dispute in its public life²⁰. There is no reason, however, for Marius

¹⁷ The previous *homo novus*, who held the consulate, was in Quintus Pompeius: T.R.S. Broughton, *The Magistrates of the Roman Republic*, I, New York 1951–1952 [hereinafter: MRR I], p. 447.

¹⁸ MRR I, p. 550.

¹⁹ Cf. A.E. Astin, *The Lex Annalis before Sulla*, „*Latomus*” 1957–1958, 16–17, pp. 588–613, 49–64.; J. Linderski, *Rzymskie zgromadzenie wyborcze od Sulli do Cezara*, Wrocław–Warszawa–Kraków 1966, pp. 40–47; J. Timmer, *Altersgrenzen politischer Partizipation in antiken Gesellschaften*, Berlin 2008, pp. 82–95; H. Appel, *Ite in suffragium. O wyborach w republikańskim Rzymie*, Toruń 2019, pp. 90–93.

²⁰ Against the background of research into the last century of the Republic, political events in 104 saw a relatively small number of studies. Still unexploited in the literature on the subject seems to be primarily the determinants of the political activity of Marius's opponents at that time. So far, 104 have been analysed mainly from the perspective of the informal leader of *factio Metelli*: princeps senatus, Marcus Aemilius Scaurus, cf. e.g. G. Bloch, *M. Aemilius Scaurus*, ‘*Melanges D'Histoire Ancienne*’ 1909, 25, pp. 15–21; R.M. Geer, *M. Aemilius Scaurus* (Suet. Nero 2.1. and Ascon. ad Cic. pro Scauro 1), ‘*Classical Philology*’ 1929, 24, pp. 292–294; Ch. Henderson, *The Career of the Younger M. Aemilius Scaurus*, ‘*Classical Journal*’ 1958, 53, 5, pp. 194–206; M.G. Morgan, *The Rise and Fall of the Caecilii Metelli*, 284–46 B.C., Exeter 1961, in particular pp. 210–215; E.S. Gruen, *The Exile of Metellus Numidicus*, ‘*Latomus*’ 1965, 24, pp. 576–580; J. van Ooteghem, *Les Caecilii Metelli de la République*, Brussels 1967, pp. 116–118; I. Shatzman, *Scaurus, Marius and the Metelli: a Prosopographical Factional Case*, ‘*Ancient Society*’ 1974, 5, pp. 200–205; B. Marshall, *Two Court Cases in the Late Second Century B.C.*, ‘*The American Journal of Philology*’ 1977, 98, 4, pp. 417–423; R.L. Bates, *Rex in Senatu: A Political Biography of M. Aemilius Scaurus*, ‘*American Philosophical Society*’ 1986, 130, pp. 264–266; L.A. Burckhardt, *Politische Strategien der Optimaten in der späten römischen Republik*, Stuttgart 1988, pp. 141–149; M. Piegdoń, *Przedstawiciele rzymskich rodów wobec podporządkowanych terenów na przykładzie działań gens Aemilia w Cisalpinie w II w. p.n.e.*,

to oppose the whole senate or the united *nobilitas*. Such a statement would suggest a misunderstanding of the complicated divisions within the rival houses of the Roman aristocracy. It is equally wrong to reduce politics in Roman Republic to a struggle between the Populares and the Optimates, for there have never been only two factions, and using these terms is completely misleading when we analyse events in the short term. Therefore, in further parts of this article, the terms '*Populares*' and '*Optimates*' will not be used.

THE POSITION OF FACTIO METELLI BEFORE MARIUS'S SECOND CONSULATE

The Caecilii Metelli family was considered the most powerful in the entire Roman aristocracy in the last decade of the second century, as directly noted by Marcus Velleius Paterculus²¹. The six sons of Quintus Caecilius Metellus Macedonicus and his brother Lucius Caecilius Metellus Calvus, all of whom reached the consulate between 123 and 109, are a proof to the above statement. It should be added that five of them celebrated

in: *Elity w świecie starożytnym*, ed. M. Cieśluk, Szczecin 2015, pp. 144–147. The emphasis on the exceptionally important role of the events of 104 in the political changes in the decline of the Republic has been highlighted in the past by E.S. Gruen (E.S. Gruen, *Politics and the Courts in 104 B.C.*, 'Transactions and Proceedings of the American Philological Association' 1964, 95, pp. 99–110. Of fundamental importance is also his other work: E.S. Gruen, *Roman Politics*, pp. 163–177). The greatest influence on the proper perception of the social history of the Republic from the period of the so-called 'domination of Marius' in the years 108–100 was exerted by such eminent experts on the subject as F. Münzer (F. Münzer, *op. cit.*, pp. 283–297) and E. Badian (E. Badian, *Foreign Clientele* (264–70 B.C.), Oxford 1958, p. 198 and next; E. Badian, *Marius and the Nobles*, 'Durham University Journal' 1964, 36, pp. 141–154; E. Badian, *Studies in Greek and Roman history*, Oxford 1964, pp. 34–53; E. Badian *The Death of Saturninus*, 'Chiron' 1984, 14, pp. 101–147). For obvious reasons, the analyses made by Marius's biographers are also a great support for research into the events of 104. The most important ones are: T.F. Carney, *A Biography of C. Marius*, Chicago 1961, pp. 32–35; P. Kildahl, *Caius Marius*, New York 1968, pp. 105–107; R. Evans, *Gaius Marius. A political Biography*, Pretoria 1994, pp. 78–82, 152–168; M. Labitzke, *Marius. Der verleumdete Retter Roms*, Münster 2013, pp. 102–123.

²¹ Velleius Paterculus, *Historiarum ad M. Vinicium consulem libri duo* [hereinafter: Vell.], 2.11.3: *Ut paulo ante Domitiae familiae, ita Caeciliae notanda claritudo est. Quippe intra duodecim ferme annos huius temporis consules fuere Metelli aut censores aut triumpharunt amplius duodecies, ut appareat, quemadmodum urbium imperiorumque, ita gentium nunc florere fortunam, nunc senescere, nunc interire* ('As I commented, a short time ago, on the glory of the family of the Domitii, let me now comment upon that the Caecilii. Within the compass of about twelve years during this period, the Metelli were distinguished by consulships, censorships, or triumph more than twelve times. Thus it is clear that, as in the case of cities and empires, so the fortunes of families flourish, wane, and pass away' transl. F.W. Shipley).

their triumphs, four were censors and one became Pontifex Maximus²². This gives an impressive vision of influence and meaning of the house on the foundation of which a powerful faction was built, known by the historians as *factio Metelli*²³.

Initiated in the penultimate decade of the second century, migration from the North Sea peoples, mainly Celtic-speaking Cimbri²⁴, followed by Teutons, Tigurini and Ambrones²⁵, led these tribes first to the central Danube, to conclude in a confrontation with the republic on the Tiber in the near future. In the first period, Rome fought unsuccessfully. Between 113 and 107, three consuls have suffered fairly severe failures in Gaul²⁶. These failures undermined the political position of Caecilii Metelli.

The position of the powerful family was weakened by the consul 109 and his colleague in the office of Quintus Caecilius Metellus Numidicus, Marcus Junius Silanus²⁷. It was probably his unsuccessful campaign of 108²⁸ that opened the way to the consulate for the great opponents of Caecilii

²² Achieved magistrates by the sons of Quintus Caecilius Metellus Macedonicus (cos. 143) and Lucius Caecilius Metellus Calvus (cos. 142): Quintus Caecilius Metellus Balearicus (cos. 123, cens. 120) Lucius Caecilius Metellus Dalmaticus (cos. 119, cens. 115, Pont. Max. c. 114), Lucius Caecilius Metellus Diadematus (cos. 117), Marcus Caecilius Metellus (cos. 115), Gaius Caecilius Metellus Caprarius (cos. 113, cens. 102), Quintus Caecilius Metellus Numidicus (cos. 109, cens. 102). Only Diadematus made no triumph, see MRR I, p. 512, 523, 525, 528, 529, 531, 534, 535, 541, 545, 554, 567.

²³ W. Drumann, P. Groebe, *Geschichte Roms in seinem Übergange von der republikanischen zur monarchischen Verfassung*, vol. II, Leipzig 1902, pp. 18–33; M.G. Morgan, *op. cit.*, pp. 156–225; E.S. Gruen, *Roman Politics*, pp. 106–135; G.C. Sampson, *The Crisis of Rome. The Jugurthine and Northern Wars and the Rise of Marius*, Barnsley 2010, pp. 212–214; K.-J. Hölkamp, *Libera Res Publica: Die politische Kultur des antiken Rom – Positionen und Perspektiven*, Stuttgart 2017, pp. 273–310.

²⁴ The issue of the Celtic origin of the Cimbri seems now entirely settled, cf. K. Bringmann, *op. cit.*, pp. 214–217; A. Ziółkowski, *Historia Powszechna. Starożytność*, Poznań 2013, pp. 1298–1300, and more broadly e.g., P.S. Wells, *Beyond Celts, Germans and Scythians. Archeology and Identity in Iron Age Europe*, London 2001; J. Collins, *The Celts. Origins, Myths & Inventions*, Stroud 2004.

²⁵ Zob. np. E. Koestermann, *Der Zug der Cimbern*, 'Gymnasium' 1969, 76, pp. 310–315; T. Luginbühl, *Les Cimbres et les Teutons, histoire d'une migration*, 'Chronozones' 1995, 2, pp. 14–29; D. Timpe, *Römisch-germanische Begegnung in der späten Republik und frühen Kaiserzeit*, München–Leipzig 2006, pp. 42–66; A. Ziółkowski, *Historia Rzymu*, p. 320.

²⁶ Cf. e.g. G. Dobesch, *Die Kimbern in den Ostalpen und die Schlacht bei Noreia*, in: *Mitt. der österreichischen Arbeitsgemeinschaft für Urund Frühgesch.*, 1982, 32, pp. 51–78; G. Neumann, Th. Grünwald, J. Martens, *Kimbern*, 'Reallexikon der Germanischen Altertumskunde' 2000, 16, pp. 493–504; R. Evans, *Rome's Cimbric Wars (114–101 B.C.) and their impact on the Iberian Peninsula*, 'Acta Classica' 2005, 48, pp. 37–41.

²⁷ MRR I, p. 545.

²⁸ Asconius Pedianus [hereinafter: Ascon.], 68 and 80C; T. Livius, *Ab urbe condita libri* [hereinafter: Liv.], *Periochae* [hereinafter: Per.], 65.

Metelli, Gaius Marius and Lucius Cassius Longinus²⁹. The devastating defeat of Longinus showed that failures are not attributable to single-faction politicians and thus helped to rebuild *factio Metelli* forces. The turning point of the situation was the massacre of the Roman armies in the Battle of Arausio (modern day Orange)³⁰, which initially led to an outbreak of panic in Rome³¹. This catastrophe took place on 6 October 105³². The Roman army was led by Quintus Servilius Caepio, then proconsul of Cisalpine Gaul and, then consul, Gnaeus Mallius Maximus. The defeat was partly caused by the insubordination and arrogance of proconsul Servilius Caepio, who refused to cooperate with consul Mallius Maximus and did not intend to recognise his authority³³.

Servilius Caepio was not only the head of a powerful patrician home, but also, most likely, married in Caecilii Metelli. F. Münzer suggested that he might have been married to a third of Metellus Macedonicus's daughters³⁴, which would explain problems of *factio Metelli*. Nevertheless, the odium of disasters fell on all the houses of the old aristocracy. The energetic actions of Consul Rutilius Rufus, who was staying in Rome, partially limited the political losses suffered by the house of the Caecilii Metelli. Theoretically, he was the only representative of *factio Metelli* among the consuls of 106 and 105³⁵.

²⁹ MRR I, p. 550.

³⁰ Cf. e.g. G.C. Sampson, *op. cit.*, pp. 130–141; R. Evans, *Fields of Death: Retracing Ancient Battlefields*, Barnsley 2013, pp. 133–138.

³¹ Sall., *BI*, 114.1; Diodorus Siculus, *Bibliotheca historica* [hereinafter: Diod. Sic.], 34–35.37; Eutropius Flavius, *Breviarium ab urbe condita* [hereinafter: Eutrop.], 5.1.2; P. Orosius, *Historiarum adversus paganos libri VII* [hereinafter: Oros.], 5.16.7. Cf. also D. Słapek, *Rok 105 p.n.e. w rozwoju igrzysk gladiatorskich w republikańskim Rzymie*, in: *W 2500-lecie powstania Republiki Rzymskiej*, ed. A. Kunisz, Katowice 1995, pp. 110–121; H. Delbrück, *Antyczna sztuka wojenna. Republika Rzymska*, transl. P. Grysztar, Oświęcim 2013, p. 170.

³² Plutarchus [hereinafter: Plut.], *Lucullus*, 27.8.

³³ Por. np. J. Lengle, *Die Verurteilung der Römischen Feldherrn von Arausio*, 'Hermes' 1931, 66, 4, pp. 302–316; P.A. Brunt, *Italian Manpower 225 B.C. – A.D. 14*, Oxford 1971, p. 685; G.C. Sampson, *op. cit.*, pp. 131–141.

³⁴ Cf. F. Münzer, *op. cit.*, 252–253 based on a free interpretation of Cicero's words: Cic., *Post reditum in senatu*, 37; *Post reditum ad Quirites*, 6. Similarly E. Badian, *Studies in Greek*, s. 66, footnote 100 *contra* M.G. Morgan, *op. cit.*, pp. 106, 132, 136.

³⁵ Cf.: E. Badian, *Studies in Greek*, p. 324; E.S. Gruen, *Roman Politics*, pp. 160–161; M. Vardelli, *La «Factio Metellana» nei primi anni del I secolo a.C.*, 'Aevum' 1978, 52, p. 82; D.F. Epstein, *Personal Enmity in Roman Politics, 218–43 B.C.*, London–New York–Sidney 1987, p. 117; R. Kallet-Marx, *The Trial of Rutilius Rufus*, 'Phoenix' 1990, 44, 2, pp. 129–131.

The recruitment process organised by him³⁶, the gladiatorial games³⁷ and the efficient running of the elections have minimally calmed the situation in the capital.

THE SUCCESSES AND PLANS OF GAIUS MARIUS

Undoubtedly, in 107–100, Gaius Marius surpassed all his contemporaries in terms of merits and political significance, as evidenced by the fact that the Roman people hailed him as ‘the Third Founder of Rome’³⁸. The first *homo novus* in thirty-four years in the role of consul became the object of antipathy for the part of the *nobilitas*³⁹. After all, he was a man from a poor family. From the source information available to us, it appears that Marius was born in a poor house in the countryside, and his father lived most likely from the cultivation of land near Arpinum⁴⁰. Although he had had to receive a traditional Roman education, it certainly did not match the education of the sons of the most prominent houses of the Roman aristocracy⁴¹. Marius began his career as a client of Caecilii Metelli and benefited from their support, in 109–108 he was a *legatus* of Metellus Numidicus during the Jugurthine War⁴². Nevertheless, during his plebeian tribunate, he spoke

³⁶ Sex. Iulius Frontinus [hereinafter: Front.], *Strategemata* [hereinafter: *Strat.*], 4.2.2 in P.A. Brunt, *Italian*, pp. 430–431.

³⁷ Cf. D. Ślapek, *op. cit.*, pp. 110–112, 120–121. Rufus was also the author of the first military textbook, which may have been written as a result of the defeats inflicted on Rome by the peoples of the North: Front., *Strat.*, 4.2.2; Valerius Maximus, *Factorum et dictorum memorabilium libri novem* [hereinafter: Val. Max.], 2.3.2.

³⁸ Plut., *Marius* [hereinafter: *Mar.*], 27.5.

³⁹ Sall., *BI*, 64–65; Vell., 2.11.1–2.; Plut., *Mar.*, 7.3; Cassius Dio Cocceianus, *Historia Romana* [hereinafter: Cass. Dio], 26.89.3. On the subject of *nobiles* and *homines novi*, cf. e.g.: P.A. Brunt, *Nobilitas and Novitas*, ‘The Journal of Roman Studies’ 1982, 72, pp. 1–17; D.R. Shackleton Bailey, *Nobiles and Novi Reconsidered*, ‘The American Journal of Philology’ 1986, 107, 2, pp. 255–260; L.A. Burckhardt, *The Political Elite of the Roman Republic: Comments on Recent Discussion of the Concepts Nobilitas and Homo Novus*, ‘Historia’ 1990, 39, 1, pp. 77–99; T. Aleksandrowicz, *Kultura intelektualna rzymskich konsulów w schyłkowym okresie Republiki*, Katowice 2002, pp. 17–19. Regarding Marius’s relationship with the *nobilitas*, cf. e.g. E. Frank, *Marius and the Roman Nobility*, ‘The Classical Journal’ 1955, 50, pp. 149–152.

⁴⁰ Vell., 2.11.1; C. Plinius Secundus Maior, *Naturalis historia*, 33.150; P. Cornelius Tacitus *Caecina*, *Annales*, 2.38; Plut., *Mar.*, 34.4; Cass. Dio, 26.89.2; Augustinus Aurelius, *De civitate Dei libri XXII*, 2.23.1.

⁴¹ Cic., *Academicorum*, 2.5.13; *Pro A. Licinio Archia poeta oratio*, 3.9; Sall., *BI*, 85.12, 31; Vell., 2.11.1; Plut., *Mar.*, 2.2, 45.3; Cass. Dio, 26.29.11. For more on the topic, cf. T. Aleksandrowicz, *op. cit.*, pp. 22–24; cf. Plut., *Mar.*, 3.1 in T.F. Carney, *op. cit.*, pp. 10–11.

⁴² Cf. e.g. R. Syme, *Sallust*, pp. 142–145, 158–162; H. Appel, *Animus Liber. Kwestia obiektywizmu w pisarstwie historycznym Sallustiusza*, Toruń 2004, pp. 103–114; M. Maciejowski,

out against the house of his patrons⁴³. This could not have won him the support of the aristocracy. Their antagonism was deepened by Marius's demagogic political programme, which he announced when running for his first consulate in 107, and which, worst of all, he did not abandon when elected to office⁴⁴.

Thanks to the capture of Jugurtha, a Numidian monarch, in 105 Marius, as proconsul, ended the war in North Africa with success⁴⁵. His undoubted success coincided with the defeat of the legions in the Battle of Arausio. Therefore, it became a common demand of public opinion to entrust him with the command of the war against the barbarians of the north, whom the Romans of that time probably regarded as Gauls⁴⁶. The election of Marius as Consul *in absentia* for 104 turned out to be one of the turning points in the history of Roman Republic. It is worth noting that both the

Wojna jugurtyńska 111-105 p.n.e., Zabrze 2008, pp. 118–122; G.C. Sampson, *op. cit.*, pp. 73–92.

⁴³ Plut., *Mar.*, 4.1. Cf. e.g.: J. van Ooteghem, *Caius Marius*, Brussels 1964, pp. 61–63; R. Syme, *Sallust*, pp. 157; E.S. Gruen, *Roman Politics*, pp. 118–119; M. Gelzer, *op. cit.*, pp. 131–132; P. Bicknell, *Marius, the Metelli, and the lex Maria Tabellaria*, 'Latomus', 28, 1969, pp. 327–346; T. P. Wiseman, *New Men in the Roman Senate, 139 B.C. – A.D. 14*, Oxford 1971, p. 121; V. Werner, *Quantum bello optimus, tantum pace pessimus: Studien zum Mariusbild in der antiken Geschichtsschreibung*, Bonn 1995, p. 55; W. Letzner, *Lucius Cornelius Sulla. Versuch einer Biographie*, Munster 2000, p. 45, footnote 30. Polemically R. Evans, *Gaius Marius*, pp. 36–38.

⁴⁴ See in this context his speech after his election as consul of 108: Sall., *BI*, 85; Plut., *Mar.*, 9.2–4. On the interpretation of Marius's words, which we can read in Sallust, cf.: E. Skard, *Marius Speech in Sallust Jug. Chap. 85*, 'Symbolae Osloenses' 1941, 21, pp. 98–102; T.F. Carney, *Once Again Marius. Speech after Election in 108 B.C.*, 'Symbolae Osloenses' 1959, 35, pp. 63–70; K. Büchner, *Sallust*, Heidelberg 1960, pp. 196–199; R. Syme, *Sallust*, pp. 168–170; F. Pina Polo, *Contra arma verbis: Der Redner vor dem Volk in der späten römischen Republik*, Stuttgart 1996, p. 75; H. Appel, *Animus Liber*, pp. 173–182; A. Yakobson, *Marius Speaks to the People: 'New Man', Roman Nobility and Roman Political Culture*, 'Scripta Classica Israelica' 2014, 33, pp. 283–300.

⁴⁵ In fact, the capture of the Jugurtha was carried out by Lucius Cornelius Sulla, a quaestor acting on the initiative of Marius: Sall., *BI*, 108–113; Plut., *Sulla* [hereinafter: *Sull.*], 3.3; *Mar.*, 10.4; L. Annii Florus, *Epitome de Tito Livio* [hereinafter: *Flor.*], 1.36.17; Oros., 5.15.18; Eutrop., 4.27; Vell., 2.12.1; Liv., *Per.*, 66. Of all the ancient records, only one remains silent about Sulla: Cass. Dio, 26.89.6. On the end of the war in Numidia cf. e.g.: A. Keaveney, *Sulla: The Last Republican*, Routledge 2005, pp. 19–21; M. Maciejowski, *op. cit.*, pp. 141–148; N. Fields, *Roman Conquests: North Africa*, Barnsley 2010, pp. 111–113; M. Labitzke, *op. cit.*, pp. 94–101.

⁴⁶ This is evidenced above all by the gruesome ritual that was applied for the last time in the history of the Republic, which consisted in burying the Gaul pair alive at the Forum Boarium: Plut., *Moralia* [hereinafter: *Mor.*], 283F–284C. For more on the subject of rite, cf. e.g.: K. Latte, *Römische Religionsgeschichte*, München 1960, pp. 256–258; M. Beard, J. North, S. Price, *Religions of Rome. Historia*, transl. M.J. Baranowski and L. Olszewski, Oświęcim 2017, p. 109. Also other antique authors considered Cimbri and Teutons as Gauls, cf. e.g. Sall., *BI*, 114.3; Oros., 5.15.9; Flor., 1.38.1.

Senate and Rutilius Rufus, consul of 105, did not question the result of the consular elections for the following year⁴⁷. The latter would have had the right to do so as a magistrate president of electoral assembly. The pressure of public opinion was probably so strong that the consul had to approve the appointment of Centuriate Assembly, even though he was Marius's personal enemy⁴⁸ and was politically connected with Caecilii Metelli⁴⁹ family.

During the aforementioned elections for 104, Gaius Flavius Fimbria was second after Marius⁵⁰. This is how he distanced Quintus Lutatius Catulus, for whom this was the third consecutive failure to apply for consulate⁵¹. It is known that Flavius Fimbria obtained the aforementioned magistrate at a rather late age, as an excellent lawyer with authority among senators⁵². However, there are no clear grounds for assessing whether Fimbria was a candidate in agreement with Marius. The attempt to prove such an alliance based on the cooperation between Marius and the sons of Fimbria, which took place during the civil war in 87 (i.e. 17 years later!), is unreliable⁵³. The events of 106 may evidence against such cooperation, when Marcus Gratidius, who not only came from Arpinum, like Marius, but also had family ties with him, issued a bill of indictment against Flavius Fimbria⁵⁴.

Marius decided to use his spectacular success, which regaining his highest magistrate position undoubtedly was, in two ways. The first was to gain the military glory he had always wanted. At that time he remained

⁴⁷ Cf. Sall., *BI*, 114.4; Vell., 2.12.1; Diod. Sic., 36.3.1; Cass. Dio, 27.94.1.

⁴⁸ Plut., *Mar.*, 28.5.

⁴⁹ On the relationship between Publius Rutilius Rufus and Caecilii Metelli, cf. footnote 33.

⁵⁰ MRR I, p. 558. *Homo novus*: Cic., *In Verr.*, 2.5.181; *Pro Cn. Plancio oratio* [hereinafter: *Pro Planc.*], 52; cf. T.C. Brennan, *The Praetorship in the Roman Republic*, vol. II, Oxford 2001, pp. 904–905, footnote 179.

⁵¹ Cic., *Pro Planc.*, 12; *Pro L. Murena oratio* [hereinafter: *Pro Mur.*], 36; cf. T. R. S. Broughton, *Candidates Defeated in Roman Elections: some ancient Roman 'also-rans'*, 'Transactions of the American Philological Association' 1991, 81, 4, pp. 13–14; F. Pina Polo, *Veteres candidati: losers in the elections in republican Rome*, in: *Vae Victis! Perdedores en el mundo antiguo*, eds. F. M. Simon, F.P. Polo, J.R. Rodriguez, Barcelona 2012, p. 77.

⁵² Cic., *De off.*, 3.77; *Pro Planc.*, 12; *Brut.*, 129; cf. G.V. Sumner, *The Orators in Cicero's Brutus: Prosopography and Chronology*, Toronto 1973, p. 76.

⁵³ Other opinions are presented e.g. by R. Syme, *Revolution*, p. 96, footnote 88; E. Badian, *Foreign*, p. 201, footnote 9; E.S. Gruen, *Roman Politics*, pp. 187, 190. The opinion on Marius's agreement with Fimbria can only be supported by the latter's private antagonism with Marcus Aemilius Scaurus: Cic., *Pro M. Fonteio oratio* [hereinafter: *Pro Font.*], 24; cf. D.F. Epstein, *op. cit.*, p. 107.

⁵⁴ Cic., *Pro Font.*, 24, 26; *Brut.*, 168; Val. Max., 8.5.2. The annual date of the trial remains unclear, cf. M.C. Alexander, *Trials in the Late Roman Republic, 149 BC to 50 BC*, Toronto 1990, p. 31.

the only hope for the Republic, which even his political enemies admitted. Still, before he returned from Africa to Rome, he had been appointed the governor of Gaul and was commanded to wage war against the barbaric tribes⁵⁵. The second objective was to bring down his political opponents. In Marius's career this was an important novelty, because during his first consulate, apart from military reforms, he did not show any interest in political and social matters. This time, throughout the year 104, he decided to support or even take patronage of the attack on the senators connected with *factio Metelli*⁵⁶. Mutual hostility was deepened by Marius's earlier relations with Caecilii Metelli.

THE OFFENSIVE OF MARIUS'S FOLLOWIERS

The scarcity of the source material makes it not easy to judge who was the first to escalate the conflict – Marius or the senators gathered around the house of the Caecilii Metelli. One point can be assumed with a high degree of probability; the plebeian tribunes who took office on 10 December 105 were the fastest to activate⁵⁷. Three of them opposed the representatives of *factio Metelli* or the whole aristocracy, because they opted for limiting the prerogatives of the senate, although each did so for a different reason.

Lucius Marcius Philippus, the least fierce and the most calculating member of the group⁵⁸, proposed the adoption of agrarian law. Eventually, the bill did not reach the *contio*, as Philippus withdrew his *rogatio*, which he did probably due to the scale of resistance he encountered⁵⁹.

The second tribune, which should be mentioned in this context, was Lucius Cassius Longinus, son of the consul of 107⁶⁰. He came from a family that for years was considered reluctant towards the house of the Caecilii

⁵⁵ Cf. Cic., *Pro lege Manilia oratio* [hereinafter: *Pro leg. Man.*], 60; *De provinciis consularibus* [hereinafter: *De prov. cons.*], 19 and 32; Sall., *BI*, 114.3; Vell., 2.12.2; Flor., 1.38.5–6 in R. Evans, *Gaius Marius*, pp. 81–82.

⁵⁶ Cf. F. Münzer, *op. cit.*, pp. 302–305; E.S. Gruen, *Roman Politics*, pp. 106–135; M. Vardelli, *op. cit.*, pp. 77–84; H. Bruhns, *Parenté et alliances politiques à la fin de la République romaine*, in: *Parenté et stratégies familiales dans l'Antiquité romaine. Actes de la table ronde des 2-4 octobre 1986*, eds. J. Andreau, H. Bruhns, Paris 1990, pp. 587–590.

⁵⁷ Cf. Cic., *ad Att.*, 1.1.

⁵⁸ Philippus's political revolutions have become proverbial, cf. R. Syme, *Revolucja*, p. 19. G. Doblhofer, places him among the *Populares*, but it is ridiculous, cf. G. Doblhofer, *Die popularen der Jahre 111–99 vor Christus. Eine Studie zur Geschichte der späten römischen Republik*, Vienne-Cologne 1990, pp. 69–73. His background and political views, cf. J. van Ooteghem, *Lucius Marcius Philippus et sa Famille*, Bruxelles 1961, pp. 101–170.

⁵⁹ Cic., *De off.*, 2.73; cf. MRR I, p. 560; E. Flaig, *op. cit.*, pp. 176–177.

⁶⁰ MRR I, p. 559. Cf. E.S. Gruen, *Roman Politics*, pp. 161–162.

Metelli⁶¹. On his initiative, a law was passed which entailed the expulsion from the Senate of anyone who had been convicted on Centuriate Assemblies or whose *empire* had been taken away by the people. Probably thanks to this he wanted to eliminate Quintus Servilius Caepio⁶² and maybe also Gnaeus Mallius Maximus. In 104, the then princeps senatus, Marcus Aemilius Scaurus⁶³ and the former consul Marcus Junius Silanus⁶⁴ were brought before the court. The plebeian tribunal, Gnaeus Domitius Ahenobarbus⁶⁵ fought to regain the position of his family⁶⁶. In the case of Scaurus's accusation, it could also be revenge. A few years earlier, princeps senatus had blocked Ahenobarbus from joining the College of Pontiffs in place of his late father⁶⁷. However, there was no particular hatred in the tribune's proceedings, only regular political practice, which was willingly used by many young, talented people dreaming about brilliant public career. At the same time, Ahenobarbus has become known as a man of principle and honour. When one of Scaurus's slaves came to him in secret and promised to reveal the secrets of his master, he did not express any interest in the proposal, and the servant was ordered to be sent back to the master⁶⁸.

One might think that for Domitius Ahenobarbus the reform changing the way in which pontiffs were appointed was more important. He pushed through *lex Domitia de sacerdotiis*, according to which the election of priests (augurs, pontiffs, decemvirs and epulones) was no longer a matter of co-optation, but a result of partially free elections⁶⁹. The tribune proposed

⁶¹ Cf. E.S. Gruen, *Roman Politics*, pp. 141, 155, 161–164.

⁶² Ascon., 78C: *populus, quia male adversus Cimbro rem gesserat, imperium abrogavit (...)* propter similitudines cum Q. Servilio. Cf. E.S. Gruen, *Roman Politics*, pp. 161–164; D.F. Epstein, *op. cit.*, p. 16.

⁶³ Cic., *Pro rege Deiotaro* [hereinafter: *Pro Deiot.*], 31; Ascon., 21C; Plut., *Mor.*, 91D; Val. Max., 6.5.5; Cass. Dio, 27.92.1.

⁶⁴ Ascon., 79–80C; cf. M.G. Morgan, *op. cit.*, pp. 211–212; B. Marshall, *op. cit.*, pp. 419–423.

⁶⁵ MRR I, p. 559; G.V. Sumner, *op. cit.*, pp. 97–100; J. Carlsen, *The Rise and Fall of a Roman Noble Family. The Domitii Ahenobarbi 196 BC – AD 68*, Odense 2006, p. 43, footnote 90.

⁶⁶ Cf. Vell., 2.11.3.

⁶⁷ C. Suetonius Tranquillus [hereinafter: Suet.], *Nero*, 2.1; cf. Ascon., 21C in R.M. Geer, *op. cit.*, pp. 292–294.

⁶⁸ Cic., *Pro Deiot.*, 31; Val. Max., 6.5.5. Cf. J. Carlsen, *op. cit.*, p. 45. On the practice of initiating political lawsuits as a method of gaining popularity and prestige, cf. E.S. Gruen, *op. cit.*, pp. 1–7; M.C. Alexander, *How Many Roman Senators Were Ever Prosecuted? The Evidence from the Late Republic*, 'Phoenix' 1993, 47, 3, pp. 238–255.

⁶⁹ *Rhet. ad Her.*, 1.20; Cic., *De lege agraria oratio* [hereinafter: *De leg. agr.*], 2.18–19; *Epistulae ad M. Brutum*, 1.5.3; *Pro Cornelius*, 2; Ascon., 79–80C; Vell., 2.12.3; Cass. Dio, 37.37.1; cf. L.R. Taylor, *The Election of Pontifex Maximus in the Late Republic*, 'Classical Philology' 1942, 37, pp. 421–423; E. Rawson, *Religion and Politics in the Late Second Century B. C. at Rome*, 'Phoenix' 1974, 28, p. 209. For more on the procedure for the co-optation of priests, cf. A. Gillmeister, *Strážnicy ksiąg sybilińskich*, Zielona Góra 2009, pp. 63–65; M. Beard, J. North,

a mechanism known to us only in relation to Pontifex Maximus – when the vacancy occurred, each priest had to propose a candidate, and one candidate could be proposed by no more than two of them. Then 17 out of 35 *tribes* were drawn, which made the final choice. The Romans called it a ‘smaller part of the people’ vote (*minor pars populi*)⁷⁰. This reform has given the proposer considerable popularity.

Domitius Ahenobarbus pushed his proposals through thanks to favourable political circumstances and the fact that the then *Pontifex Maximus*, Lucius Caecilius Metellus Dalmaticus, brother of Metellus Numidicus, died during his term of office. Ahenobarbus was chosen as his successor both at the College of Pontiffs and as Pontifex Maximus⁷¹. This was certainly a shock to many of senators favouring Roman tradition. In turn, the death of Pontifex Maximus must have been a great blow to the house of the Caecilii Metelli. After all, their most eminent representative and, as it seems, the leader of the entire faction passed away. Only the following years proved that Quintus, younger brother of the deceased, turned out to be an exceptionally efficient politician. He was rehabilitated after a triumph in 106, which restored his popularity among the people⁷², and after a few years he emerged from the shadows to play a leading role in the fight against Marius.

THE RESPONSE OF CAECILII METELLI

As has already been mentioned, a few weeks after the defeat of the legions in the Battle of Arausio, the election of Gaius Marius *in absentia* as consul of 104 was carried out in a silenced political dispute. However, we

S. Price, *Religie Rzymu. Historia*, transl. M.J. Baranowski and L. Olszewski, Oświęcim 2017, pp. 167–168.

⁷⁰ Cic., *De leg agr.*, 2.16 in L.R. Taylor, *Roman voting assemblies from the Hannibalic War to the dictatorship of Caesar*, Ann Arbor 1966, p. 82. The mechanism described above was in force in the selection of Pontifex Maximus probably from the beginning of the third century, and the first one that was assuredly appointed under it was Publius Licinius Crassus in 212: Liv., 25.5.2–4; MRR I, p. 271.

⁷¹ Liv., Per., 67; cf. Cic., *Pro Deiot.*, 31; Val. Max., 6.5.5. For more on the topic, cf. L.R. Taylor, *The Election*, 421–424; MRR 1.564–565; G.J. Szemler, *The Priests of the Roman Republic*, Bruxelles 1972, pp. 122–123.

⁷² Sall., *Bell. Iug.*, 88.1: *Metellus interea Romam profectus contra spem suam laetissimis animis accipitur, plebi patribusque, postquam invidia decesserat, iuxta carus* ‘Metellus meanwhile returned to Rome, were, contrary to his expectation, he was received with great rejoicing; for the feeling against him had died out and he found himself popular with people and senators alike’; transl. J.C. Rolfe. Nevertheless, it is known that the voters who chose him as their consul also considered Metellus Numidicus to be an impeccable person, immune to the temptations of gold: Sall., *BI*, 43.1.

should not confuse the support of some of the houses of the old aristocracy with the unanimity of the *nobiles*. Senators associated with *factio Metelli* protested against Marius taking over the second consulate⁷³. They also thought Quintus Caecilius Metellus Numidicus was the actual winner of the war against Jugurtha⁷⁴. Many traditionalists among the *patres conscripti* were discouraged by the consul himself as early as on 1 January 104, when, after the triumph, he arrived to participate in the Senate affairs clad in armour⁷⁵. The attitude of Lucius Cornelius Sulla, quaestor of Marius during the war in Numidia, who was proud of his wealth, also aroused disgust⁷⁶. However, the most serious doubts were raised about the legality of Marius's election. He took up office again only four years after his previous term. Formally, there was no direct violation of *lex Villia annalis*. The act prohibited not so much the repeated holding of consulate within ten years from the previous term of office, but rather the reapplication for the office. Meanwhile, Marius's consulate was in a way imposed on him⁷⁷. Despite this, the opinion among the researchers is divided and in the literature on the subject is present a thesis that the consulate in 104 was obtained illegally⁷⁸.

Not only Marius, but also his opponents decided to use the tribunals and plebeian tribunes in their political struggle. A number of trials that took place in the years 106–101 confirm this thesis⁷⁹. Marius and his demagogic supporters were to be dealt with by the 106th judicial reform, which was most likely the broader political plan of *factio Metelli*. Under the *lex Servilia iudicaria* authored by Servilius Caepio, the infamous commander from the Battle of Arausio, the equites were eliminated from the college adjudicating at the *de repetundis* tribunal; from now on, only the senators were to judge him⁸⁰.

⁷³ Plut., *Mar.*, 12.1.

⁷⁴ Plut., *Mar.*, 10.6; Sull., 3.3; A. Gellius, *Noctes Atticae libri XX*, 12.9.4–6. Not so literally, but it is also suggested by other ancient authors: Flor., 1.36.11; Eutrop., 4.27.2; Flor., 1.36.11; Oros., 5.15.7. For more on the topic, cf. M. Holroyd, *The Jugurthine War: Was Marius or Metellus the Real Victor?*, 'The Journal of Roman Studies' 1928, 18, pp. 1–20; T.F. Carney, *A Biography*, p. 30, footnote 154; R. Syme, *Sallust*, p. 151; J. van Ooteghem, *Les Caecilii*, pp. 164–165; V. Parker, *Sallust and the Victor of the Jugurthine War*, 'Zeitschrift für Papyrologie und Epigraphik' 2001, 16, pp. 111–125.

⁷⁵ Plut., *Mar.*, 12.5; Liv., *Per.*, 67.

⁷⁶ Plut., *Sull.*, 1.2; MRR I, pp. 551, 554, 556.

⁷⁷ Plut., *Mar.*, 11.1; 12.1; Sall., *BI*, 114.3; Liv., *Per.*, 67. Relevant in this context seems the analysis by R. Evans, *Gaius Marius*, p. 80, footnote 84.

⁷⁸ For example, T.F. Carney, *A Biography*, p. 31, footnote 160; A. Keaveney, *Sulla*, p. 23.

⁷⁹ For an overview of these trials and their sources, cf. M.C. Alexander, *Trials*, pp. 30–37.

⁸⁰ Cic., *Brut.*, 135, 161, 164, 296; *De oratore* [hereinafter: *De or.*], 2.199, 223; *Pro A. Cluentio oratio*, 140; Val. Max., 6.9.13; cf. e.g. H.B. Mattingly, *Acerbissima Lex Servilia*, 'Hermes' 1983, 111, pp. 300–310.

One of the plebeian tribunes in 104 could have been Gnaeus Pompeius Strabo, later consul in 89. This original theory by E. Badian⁸¹ was accepted with approval in the literature on the subject⁸². Regardless of his position that year, Pompeius Strabo made two moves in 104, one of which theoretically put him in a position to resist the Marius, and the other suggested close ties with the house of the Caecilii Metelli. He decided to bring his former commander Titus Albucius (praetor of 105?) to court. The announcement of such a step has already been widely received with disgust. The Romans thought that such an attack on a former superior was inappropriate. Cicero certifies that praetor should be like a father to his quaestor⁸³. This is probably why the prosecution was ultimately headed by Gaius Julius Caesar Strabo Vopiscus⁸⁴.

In the face of these events, Pompeius Strabo chose a different target and carried out a brutal attack on Quintus Fabius Maximus Eburnus, consul of 116, whom he accused of filicide. Eburnus was sentenced to exile and spent the rest of his life in Nuceria⁸⁵ as a result of the trial. Given Pompeius Strabo's method, as well as the many years that have passed since his praetor term⁸⁶, one can doubt his close ties with Caecilii Metelli, although this is not entirely excluded; especially, if he were to be considered an agent of Aemilius Scaurus. He bore a great grudge against Fabius Maximus Eburnus since the consular elections he had lost to him⁸⁷.

⁸¹ E. Badian also shifts Pompeius Strabo's quaestor term from his earlier year of 104 to 106, cf. E. Badian *Three Non-Trials in Cicero: Notes on the Text, Prosopography and Chronology of Divinatio in Caecilium* 63, 'Klio – Beiträge zur Alten Geschichte' 1984, 66, pp. 306–309. In similar spirit but earlier, E.S. Gruen, *Roman Politics*, pp. 171–173 *contra* R.J. Rowland, *The Date of Pompeius Strabo's Quaestorship*, 'Classical Philology' 1968, 63, 3, pp. 213–214.

⁸² T.R.S. Broughton (T.R.S. Broughton, *The Magistrates of the Roman Republic*, vol. III: Supplement, Atlanta 1986, pp. 165–166; further: MRR III) accepted the arguments by modifying his previous position, cf. MRR I, p. 560. Cf. also: M.C. Alexander, *Trials*, pp. 31–32; T.C. Brennan, *op. cit.*, p. 776, footnote 133.

⁸³ Cf. Cic., *Divinatio In Caecilium* [hereinafter: *Div. Caec.*], 61; *De or.*, 2.200–201. On the relationship between the praetor and the quaestor, cf. also M. Gelzer, *op. cit.*, p. 76.

⁸⁴ Cic., *Div. Caec.*, 63; *In Pis.*, 92; *Pro M. Aemilio Scauro oratio* [hereinafter: *Pro Scaur.*], 40; *De off.*, 2.50; *Tusculanorum disputationum ad Brutum libri quinque* [hereinafter: *Tusc.*], 5.108; Suet., *Divus Iulius*, 55.2; cf. L.A. Thompson, *Pompeius Strabo and the Trial of Albucius*, 'Latomus' 1969, 28, 4, pp. 1036–1039.

⁸⁵ Cic., *Pro L. Balbo oratio*, 28; M. Fabius Quintilianus [hereinafter: Quint.], *Declamationes maiores* [hereinafter: *Decl. Mai.*], 3.17; Val. Max., 6.1.5; Oros., 5.16.8. One has to agree with M.C. Alexander (cf. *Trials*, pp. 31–32, footnote 2) that the accusation of Fabius Maximus Eburnus by Pompeius Strabo could have taken place shortly after the Battle of Arausio, so theoretically December 105 is also a possible date.

⁸⁶ Pompeius Strabo became praetor probably in 94 or 93, cf. MRR III, p. 166.

⁸⁷ Cf. Cic., *Pro Mur.*, 36 in G. Bloch, *op. cit.*, pp. 13–14; R.L. Bates, *op. cit.*, pp. 255–256; T.R.S. Broughton, *Candidates Defeated*, p. 7. During his censor office, Aemilius Scaurus

Marcus Aemilius Scaurus, as *princeps senatus* and an excellent speaker, grew at that time to become the most powerful representative of *factio Metelli*. As such, he conducted a relatively independent politics and chose the tribunals at the places where he struck political opponents. It is known that he filed lawsuits against Gaius Flavius Fimbria and Gaius Memmius, both unsuccessful⁸⁸; these should be dated probably between 104 and 102⁸⁹. In addition to his retaliation for his activities as a plebeian tribune in 111⁹⁰, Memmius's accusation could have involved blocking his chances of achieving consulate for 103 or 102.

We have little information about the trial against Lucius Valerius Flaccus, probably another quaestor who had forgotten about good principles⁹¹, whom Marcus Aurelius Scaurus, wanted to accuse. Given the layout of Cicero's text⁹² and the fact that it regarded the province's governorate during the praetor's term, it is most likely that the trial took place between 105 and 102. Scaurus did not, however, acted as prosecutor, and, like Pompeius Strabo, was forced to withdraw his complaint and the sentence itself was acquitted. It is possible, however, that this fact brought Flaccus closer to Marius, in agreement with whom he applied for consulate for the year 100⁹³.

THE ANNONA PROBLEM

Political rivalry in 104 emerged, according to tradition, during court clashes, elections, allocation of provinces by the Senate and the demagogic activity of the plebeian tribunes. In these considerations, the majority of research includes deliberations on elections and trials, as these are the most reflected in the sources. It is probably connected with the focus of the senators themselves on these matters, as evidenced by the reading of

removed Gaius Licinius Geta, an acquaintance of Eburnus, from the Senate, cf. MRR I, pp. 531–532.

⁸⁸ Cic., *Pro Font.*, 24.

⁸⁹ Cf. E.S. Gruen, *Roman Politics*, pp. 174–175.

⁹⁰ MRR I, p. 544.

⁹¹ Cf. E. Badian, *Studies*, pp. 86–87; E.S. Gruen, *Roman Politics*, pp. 178–179.

⁹² Cic., *Div. In Caec.*, 63: *Neque fere umquam venit in contentionem de accusando qui quaestor fuisset, quin repudiaretur. Itaque neque L. Philoni in C. Servilium nominis deferendi potestas est data, neque M. Aurelio Scauro in L. Flaccum, neque Cn. Pompeio in T. Albucium; quorum nemo propter indignitatem repudiatus est, sed ne libido violandae necessitudinis auctoritate iudicium comprobaretur.*

⁹³ MRR I, p. 584. After assuming the office, his position was to be so weak that, according to Plutarch (*Mar.* 28.5), Marius treated him 'more like a servant than a colleague'.

Cicero's correspondence⁹⁴. Naturally, the common Roman citizens had other problems, and two extraordinary and fundamental issues came to the fore. The issues were the war with the 'barbarians' in the North and the collapse in grain supplies.

In 104, the war with the Cimbri, Teutons, Tigurini and Ambrones was limited to a few battles with local tribes⁹⁵. Therefore, the problem of grain supply became the major challenge for the Senate and the clashing factions. Rome drew these supplies from three provinces⁹⁶, among which in Africa the war had just ended, and two others, Sicily⁹⁷ and Sardinia⁹⁸, were ravaged by riots and local conflicts. The situation was additionally aggravated by the rampant and emboldened gangs of pirates, who often took over the already irregular transports. It must not be forgotten that northern Italy had been feeding of the legionnaires defending the capital against the invasion of the barbarians tenth year in row, and, after their defeats, the city was plundered by raiders; as a result, prices rose even higher.

Certainly, it was crucial for the house of Caecilii Metelli and the other enemies of Marius to effectively deal with the problem of *annona*. In the first step, Lucius Appuleius Saturninus was removed from the duties of the quaestor of the Ostia Antica Port, and was replaced by the aforementioned Marcus Aemilius Scaurus⁹⁹. A clear signal for the plebs and many *patres* was the fact that the function normally assumed by persons of around thirty years of age was taken up by the princeps senatus himself.

Many details indicate that persons associated with the *factio Metelli* were behind the accusations against the governors of the provinces, from which the most grain was imported. Care was taken to ensure that the case of the pillaging of Sardinia by Titus Albucius¹⁰⁰, who had committed such extortions that he was going to be accused by his own quaestor, the

⁹⁴ This has been noticed much earlier, cf. e.g. J. Linderski, *op. cit.*, p. 5, Wrocław-Warszawa-Kraków 1966.

⁹⁵ We know about officer Marius Lucius Cornelius Sulla's campaign against Tectosages: Plut., *Sull.*, 4.1; Vell., 2.17.3.

⁹⁶ Rome and Italy drew their grain from Africa, Sicily and Sardinia: Cic., *Pro leg. Man.*, 34.

⁹⁷ The uprising of slaves continued in Sicily in the years 104-101. For more information about the uprising itself, cf. e.g. K.R. Bradley, *Slavery and Rebellion in the Roman World 140-B.C. – 70 B.C.*, Bloomington-London 1989, pp. 46-72; T.C. Brennan, *op. cit.*, pp. 477-480; G.C. Sampson, *op. cit.*, pp. 201-203.

⁹⁸ We know from Cicero that Albucius was hailed as an emperor by soldiers and asked the Senate for a triumph, or rather an ovation, cf. Cic., *In Pis.*, 92; *De prov. cons.*, 15. For more on the topic, cf. E. Ughi, *La corruzione e i grandi processi*, in: *Storia della Sardegna Antica*, ed. A. Mastino, Nuoro 2005, pp. 105-108; T.C. Brennan, *op. cit.*, pp. 833-834, footnotes 3-4.

⁹⁹ Cic., *De Haruspicum Responsis*, 43; *Pro P. Sestio oratio*, 39; Diod. Sic., 36.12.

¹⁰⁰ Albucius was the governor Sardinia and Corsica in 105. He was probably praetor that year, cf. MRR I, p. 560; T.C. Brennan, *op. cit.*, pp. 476-477.

aforementioned Pompeius Strabo¹⁰¹, became high-profile. In 103, he was brought before the *de repetundis* tribunal¹⁰², and he was a senator who had political ties with Marius¹⁰³. Albucius was convicted and spent the rest of his life in Athens¹⁰⁴. His successor remains unknown¹⁰⁵, but we know nothing about further riots in Sardinia and Corsica.

The slave uprising broke out in Sicily and the corruption charges were brought against the governor Publius Licinius Nerva, praetor of 104¹⁰⁶. He was dismissed from his post, and the only source information indicates that he, too, could have remained in the circle of Marius's followers¹⁰⁷. The former governor of Sicily was succeeded by a brother-in-law of Quintus Caecilius Metellus Numidicus, Lucius Licinius Lucullus, praetor of 104¹⁰⁸, whose task was to suppress the slave rebellion. His successful war campaign ensured the smooth suppression of the riots in Campania. During his term as praetor, Lucullus fought against a small uprising of slaves in Italy¹⁰⁹.

ELECTORAL COMPETITION

These events showed that the influence of *factio Metelli* in the Senate was still powerful, and that it was this group that took on the burden of rivalry with Marius and his followers. The problem for the house of the Caecilii Metelli was the fact that the result of the election was to be decided by the middle class instead of several dozen families. However, in Rome there was supposedly a common belief that the next year would bring a military

¹⁰¹ Cf. footnote 82.

¹⁰² Cf. E.S. Gruen, *Roman Politics*, pp. 100–102; M.C. Alexander, *Trials*, p. 34; J.R.V. Prag, *Provincials, patrons, and the rhetoric of repetundae*, in: *Community and Communication: Oratory and Politics in Republican Rome*, eds. C. Steel, H. van der Blom, Oxford 2012, pp. 271–272.

¹⁰³ Cf. E.S. Gruen, *Roman Politics*, pp. 171–172.

¹⁰⁴ Cic., *Tusc.*, 4.109. The case whether the conviction also involved exile or whether Albucius's decision to go to Athens was voluntary remains unclear, cf. T.F. Carney, *Was Rutilius Exile Voluntary or Compulsory?*, 'Acta Juridica' 1958, 1, p. 243; E.S. Gruen, *Roman Politics*, pp. 171–172; M.C. Alexander, *Trials*, pp. 67 and 68 footnote 3.

¹⁰⁵ Cf. T.C. Brennan, *op. cit.*, pp. 476–477. We can presume that consul Lucius Aurelius Orestes, whose father triumphed over the province of Sardinia in 122, was taken into account as the successor to Albucius, cf. MRR I, p. 518.

¹⁰⁶ MRR I, p. 559; Cass. Dio, 27.93.1; Diod. Sic., 36.3.2; cf. M. Gelzer, *op. cit.*, p. 73; J.R.V. Prag, *Roman Magistrates in Sicily, 227–49 BC*, in: *La Sicile de Cicéron, Lectures des Verrines*, eds. J. Dubouloz, S. Pittia, Besançon: Presses universitaires de Franche-Comté 2007, p. 301.

¹⁰⁷ Cf. R.J. Rowland, *Saturn, Saturninus, and the Socii*, 'Classical Philology' 1967, 62, 3, p. 186; R. Evans, *Gaius Marius*, pp. 40–42.

¹⁰⁸ MRR I, p. 564.

¹⁰⁹ Diod. Sic., 36.2.2–6; cf. J. van Ooteghem, *Lucius Licinius Lucullus*, Bruxelles 1959, p. 13; A. Keaveney, *Lukullus*, Warszawa 1998, transl. A. Ziółkowski, pp. 11–12.

clash with hordes of 'barbarians', so no-one could imagine a commanding officer other than Marius¹¹⁰.

Shortly before the elections, information from the military camp in Cisalpine Gaul, where soldiers spent the winter, reached the capital. A homosexual scandal came to light which resulted in the murder of Marius's nephew committed by a lower rank commander who defended himself against harassment. The commander-in-chief not only acquitted the killer, but also honoured him, which brought upon him his own sister's dislike, and at the same time won the respect of the voters, who once again granted him consulate *in absentia*¹¹¹. A statement by Plutarch (μετιόντων δὲ πολλῶν καὶ ἀγαθῶν τὴν ὑπατείαν)¹¹² shows that the competition for the consular post for the year 103 was much less fierce than a year later. This suggests that Marius's dominant position would be at this point beyond question. It also remained clear that the second consul would have to take part in a difficult war without hope of loot and would remain in the shadow of the leader of Arpinum. It may be that some candidates had for this reason given up their efforts to obtain the highest office in the country. This information may be the key to understanding why the Centurial Assemblies have chosen Lucius Aurelius Orestes as their second consul¹¹³. Sources are silent about him and we can only presume that he was the son of a consul of 126. If he were a candidate in opposition to Marius, one would expect that the same opposition would try to establish him, as it did a year later, as a consul of equal rank to Marius, and send him to war. Perhaps the lack of source information is due to the fact that Aurelius Orestes did not enjoy good health and died in the second half of the year¹¹⁴. It seems, however, that at the end of the second century Orestes and his family were not without importance, although it is difficult to determine with which group they should be associated. We know, however, that the father of Lucius Aurelius Orestes, consul of 126¹¹⁵, was a superior to the later princeps senatus, Marcus Aemilius Scaurus¹¹⁶ in Sardinia. It should also be remembered that the consul of 103 was the third representative of this branch of *gens*

¹¹⁰ Plut., *Mar.*, 14.6; Eutrop., 5.1.3.

¹¹¹ Plut., *Mar.*, 14.3-5; Quint., *Inst. or.*, 3.11.14; *Decl. Mai.*, 3.7.1; Val. Max., 6.1.12. For homosexual relations in the Roman army, cf. Polybius, *Historiae*, 6.37 in M.N. Faszczka, *Homoseksualizm w armii rzymskiej w okresie republiki*, in: *Wojna jako zjawisko polityczne, społeczne i kulturowe*, ed. S. Ciara, Warszawa 2013, pp. 39-40; A. Goldsworthy, *Pax Romana. Wojna, pokój i podboje w świecie rzymskim*, transl. N. Radomski, Poznań 2018, pp. 160-162.

¹¹² Plut., *Mar.*, 14.7: *Here many men of great merit were candidates for the consulship* (...) (transl. B. Perrin).

¹¹³ MRR I, p. 562.

¹¹⁴ Plut., *Mar.*, 14.7 z R. Evans, *Gaius Marius*, pp. 82-83.

¹¹⁵ MRR I, p. 508.

¹¹⁶ Liv., *Per.*, 60; *De viris illustribus urbis Romae* [hereinafter: *De vir. ill.*], 72.3.

Aurelia, who reached the highest position in the state¹¹⁷, which proves his significant political importance and a large number of clients. The lack of source references to Orestes¹¹⁸ is probably partly the result of the general scarcity of sources and the expiry of the family – perhaps because of the premature death of Orestes during his term of office as a consul¹¹⁹.

There is nothing certain about the effects of the praetors' elections. Lucius Valerius Flaccus could have been elected that year, if we assume that he held that position for three years before his consulate in 100¹²⁰. One unfaithful source also states that some Glaucia was a praetor, but Gaius Servilius Glaucia, praetor of 100, must be excluded in this context¹²¹. There is also a supposition that the next one might have been the otherwise unknown Vibius, who later served as *propraetor*¹²² in Messena.

On the other hand, the election of the plebeian tribunes brought no decisive victory for either side. As the events of the following year showed, Marius could rely on Lucius Appuleius Saturninus or Gaius Norbanus¹²³. The opposition to the consul forced to the positions of tribunes persons related to various aristocratic houses: Titus Didius, Lucius Aurelius Cotta, Lucius (Antistius?) Reginus and Marcus (?) Bebius (Tamfilus?)¹²⁴. Twenty-four military tribunes were also elected each year, most often young

¹¹⁷ Consul of 157 Lucius Aurelius Orestes was probably the grandfather of consul of 103, cf. MRR I, pp. 446–447.

¹¹⁸ The only representative of the family we hear about after the death of Lucius Aurelius Orestes was, as we may presume, his granddaughter Aurelia Orestia, mentioned by Valerius Maximus (9.1.9) in the context of her marriage to Lucius Sergius Catilina, praetor of 68.

¹¹⁹ Plut., *Mar.*, 14.7.

¹²⁰ Cf. T.C. Brennan, *op. cit.*, p. 743.

¹²¹ *De vir. ill.*, 73.2.

¹²² MRR I, p. 563.

¹²³ Their political orientation is rather obvious, cf. e.g. E. Badian, *Studies*, pp. 34–40; E.S. Gruen, *Roman Politics*, pp. 164–170; H. Doblhofer, *op. cit.*, pp. 56–60, 73–88.

¹²⁴ MRR I, pp. 563–564. The most obvious are the connections between Didius and *factio Metelli*, cf. also: E. Badian, *Foreign*, p. 195, footnote 1; E.S. Gruen, *Roman Politics*, p. 165; M. Vardelli, *op. cit.*, p. 80. With regard to Cotta, a number of issues need to be taken into account: the joint consulate of his father, Lucius Aurelius Cotta (cos. 119) with Lucius Caecilius Metellus Dalmaticus and their cooperation at that time, cf. e.g. J. van Ootegh, *Les Caecilii*, pp. 106–107; P. Bicknell, *op. cit.*, pp. 327–328; I.W. Merkulow, *Lex maria tabellaria* 119 B.C.: к вопросу о взаимоотношениях Гая Мария с кланом Метеллов, *'Antiquitas Inventae'* 2014, 2, pp. 124–137; marriage of his uncle to his sister Publius Rutilius Rufus: Cic., *Brut.*, 115; *De or.*, 1.229; *ad Att.*, 12.20.2; cf. F. Münzer, *op. cit.*, p. 313; finally, we know that he was a friend of Quintus Lutatius Catulus (cos. 102): Cic., *De or.*, 3.42. Reginus and Bebius, on the other hand, made their record in the sources with a single activity in 103 against Mariuz's tribunes: the first one defended Quintus Servilius Caepio before Norbanus, and the other tried to block one of Saturninus's bills: Val. Max., 4.7.3; *De vir. ill.*, 73.1.

people from aristocratic houses. Probably the oldest of those elected in 104 and the only one known to us was Lucius Cornelius Sulla, who came to Rome to watch over Marius's interests¹²⁵.

If we look at the election in terms of Marius's rivalry with *factio Metelli*, the leader of Arpinum had much more reasons to be satisfied, as he won the consulate for the third time. People supported by him also entered the competition for positions of plebeian and military tribunes. In this context, the successes of the Caecilii Metelli were very modest. Even if Aurelius Orestes was to be deemed a senator associated with their faction, he could not or did not want to undertake any confrontational actions against Marius. As the events of 103 showed, the situation was saved by the fact that two outstanding young people, Titus Didius and Lucius Aurelius Cotta, were among the selected plebeian tribunes.

CONCLUSIONS

In 104, the aim of the house of the Caecilii Metelli was to maintain political influence in the Senate and to rebuild a tarnished position among the plebeians. They were not broken by the second consulate term of Marius, which elevated him and the people associated with him to the highest positions in the country. Although not without losses, *factio Metelli* survived despite a powerful attack of all enemies who became active on this occasion and the death of the most prominent living member of the family, Pontifex Maximus, Lucius Caecilius Metellus Dalmaticus. It can be noticed, however, that in 104 the targets of the attack were not so much the senators of the powerful house of the Caecilii Metelli as all their closest collaborators, of which the strongest and most frequently challenged was Marcus Aemilius Scaurus. For this reason, he needed an office, even of such a low rank as the quaestor, which, however, kept him safe from being prosecuted before the tribunals.

Nevertheless, the mighty Caecilii Metelli have managed to do more than just survive. The key to Marius's weakening in later years was to take control of the strategic issue of the Rome's grain supply and the provinces where the grain was delivered. Although we are not certain about the connections between all the actors on the political scene at that time, we may think that at the turn of 104 and 103 three of Marius's people were removed from their posts and replaced by at least two senators connected with *factio Metelli*.

¹²⁵ Plut., *Sull.*, 4.1.

The events of 104 were also the basis for creating a broader coalition against Marius, the results of which can be seen in subsequent years. Of utmost importance, however, was taking the lead by Quintus Caecilius Metellus Numidicus, who only came out of the political shadow after the death of his older brother. This, however, goes beyond the timeframe adopted in this article.

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STRESZCZENIE

W latach 121–109 przedstawiciele rodu Cecyliusz Metellusów osiągnęli dominującą pozycję w Republice zdobywając szereg zaszczytów. Okres ten był jednocześnie utrwaleniem statusu domów starej arystokracji. Monopol *nobiles* złamał Gajusz Mariusz zdobywając konsulat na rok 107, a w trzy lata później przyznano mu go ponownie *in absentia*.

Przez cały 104 rok trwał atak na senatorów związanych z *factio Metelli*. Pierwsi zaktywizowali się trybuni plebejscy, a trójka z nich wystąpiła przeciwko *factio Metelli* albo prerogatywom senatu. Najważniejszą rolę spośród nich odegrał Gn. Domicjusz Ahenobarbus przeprowadzając reformę zmieniającą sposób powoływania pontyfików i przenosząc to prawo z kolegium na lud.

Przeciwnicy Mariusza postanowili wykorzystać sądy w walce politycznej. Mnóstwo procesów, do których doszło w latach 106–101, wybitnie potwierdza tę tezę. Szczególnie istotną rolę odgrywał tutaj princeps senatu M. Emiliusz Skaurus, który po śmierci najwyższego pontyfika L. Cecyliusza Metellusa Dalmatyńskiego stał się także nieformalnym przywódcą całego obozu.

Kluczem do osłabienia pozycji Mariusza w późniejszych latach, stało się przejęcie kontroli nad strategiczną kwestią zaopatrzenia Rzymu w zboże i nad prowincjami, w których to zboże było dostarczane. Zakładając, że podstawowym celem domu Cecyliusz Metellusów w roku 104 było polityczne przetrwanie, z pewnością osiągnęli oni swoje zamierzenie. Ale pozycję umocnił także Mariusz, ponownie wybrany na konsula. Ostateczne rozstrzygnięcie miało nadejść dopiero w roku 100, co wykracza poza ramy tego artykułu.

Słowa kluczowe: *factio Metelli*, G. Mariusz, M. Emiliusz Skaurus, historia społeczna Republiki Rzymskiej

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